

DOCKET NO: 282532US8X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

David W. TREPESS, et al. : EXAMINER: DAYE, CHELCIE L.

SERIAL NO: 10/723,086 :

FILED: NOVEMBER 25, 2003 : GROUP ART UNIT: 2161

FOR: INFORMATION STORAGE AND
RETRIEVAL :

STATEMENT OF SUBSTANCE OF INTERVIEW UNDER MPEP § 713.04

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants' representative contacted Examiner Daye by telephone on July 28, 2010 to discuss the finality of the Office Action dated March 17, 2010 ("the Office Action").

Examiner Daye agreed the Office Action should have been a non-final Office Action, and should be treated by the Applicants as such.

A complete response to the Office Action was timely filed on July 19, 2010, together with a petition for a one-month extension of time. Since the Applicants did not amend the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

Applicants respectfully submit that the comments above qualify as a statement of the substance of the telephone interview conducted on July 28, 2010, under MPEP § 713.04.

For the reasons discussed in the Response filed July 19, 2010, no further issues are believed to be outstanding in the present application, and the present application is believed

to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-10, 12, 13, 15, 17-28, and 33-44 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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